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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,752	09/15/2003	Rebecca L. Twigg	FSP0028	1547

7590 12/19/2005
FSP LLC
Attn: Charles A. Mirho
P.O. Box 890
Vancouver, WA 98666

EXAMINER

PEACHES, RANDY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,752	Applicant(s) TWIGG ET AL.	
	Examiner Randy Peaches	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-20*** are rejected under 35 U.S.C. 102(e) as being anticipated by Vuoristo et al. (U.S. Patent Application 6,603,969 B1).

Regarding ***claim 4***, Vuoristo et al. discloses mobile station comprising:

device information; and logic which, provides the device information to a SIM, receives from the SIM a communication comprising the device information, and transmits the communication to a network. See column 11 line 33-67 and column 12 lines 25-32.

Regarding ***claim 5***, according to ***claim 4***, Vuoristo et al. discloses a said mobile station comprising: location information. See column 11 lines 36-46; and said signal message (3-1), when applied to the processor, provides the location information to the SIM. See column 11 lines 36-46.

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Regarding **claim 6**, according to **claim 4**, Vuoristo et al. discloses column 12 lines 34-44. said signaling message (3-1), receives at least one of settings and logic from the network, and applies the settings and logic to effect configuration.

Regarding **claims 7 and 19**, Vuoristo et al. discloses in column 11 line 33-67 a SIM comprising:

- signaling message (3-1) which receives device information from the terminal device, and, when the terminal device is different than the terminal device used with the previous activation of the SIM (see column 11 lines 33-67), formulates a communication comprising the device information, and causes the communication to be transmitted to a network, based on the subscriber number. See column 6 lines 24-37 and column 1 lines 60-67.

Regarding **claim 8**, according to **claim 7**, Vuoristo et al. discloses a SIM comprising: logic which receives location information from the terminal device, formulates a communication comprising the location information, and causes the communication to be transmitted to a network. See column 11 lines 36-46.

Regarding **claim 9**, according to **claim 7**, Vuoristo et al. discloses a SIM comprising: user information (see column 6 lines 9-12); and logic which, when applied to the processor, formulates a communication comprising the user information, and causes the communication to be transmitted to a network. See column 11 lines 3-27.

Regarding **claim 10**, according to **claim 7**, Vuoristo et al. discloses a SIM comprising:
logic which communicates the device information to the network via at least one of
SMS, EMS, and MMS. See column 5 lines 48-58.

Regarding **claim 11**, Vuoristo et al. discloses a network comprising:

- a base station subsystem (BSS). See column 12 lines 1-10;
- subscriber information. See column 11 lines 54-67; and
- logic which, when executed by one or more network elements of the network,
locates subscriber data in response to a communication from a terminal device,
identifies subscriber services, determines terminal device settings, and
communicates the settings to the terminal device. See column 12 lines 1-65.

Regarding **claim 12**, according to **claim 11**, Vuoristo et al. discloses a network further
comprising:

- one or more network elements to communicate with the terminal device using
one of SMS, EMS, MMS, and SyncML. See column 5 lines 48-58.

Regarding **claim 13**, according to **claim 11**, Vuoristo et al. discloses a network further
comprising:

- logic which, when executed, communicates configuration logic to the terminal
device.

Regarding **claim 14**, Vuoristo et al. discloses a method comprising:

- in response to activation of a SIM in a terminal device, the SIM requesting device information from the terminal device;
- the device providing the device information to the SIM and ;
- the SIM formulating a communication comprising the device information and causing the communication to be transmitted to a network. See column 6 lines 23-37.

Regarding **claim 15**, according to **claim 14**, Vuoristo et al. discloses a method further comprising:

- the SIM formulating the communication according to one of SMS, EMS, MMS, and SyncML. See column 5 lines 48-58.

Regarding **claim 16**, according to **claim 14**, Vuoristo et al. discloses a method further comprising:

- the device providing location information to the SIM. See column 11 lines 36-46;
- the SIM formulating a communication comprising the location information. See column 11 lines 3-27; and
- the SIM causing the communication to be transmitted to a network. See column 11 lines 36-46.

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Regarding **claim 17**, according to **claim 14**, Vuoristo et al. discloses a method further comprising:

receiving at least one of software, which reads on claimed "settings and logic," from the network and applying the settings and logic to effect communication of the terminal device to receive services from the network. See column 12 lines 34-44.

Regarding **claim 18**, according to **claim 14**, Vuoristo et al. discloses a method further comprising:

- the SIM formulating a communication comprising user information. See column 6 lines 11-15; and
- the SIM causing the communication to be transmitted to a network. See column 11 lines 36-46.

Regarding **claim 20**, Vuoristo et al. discloses a method comprising:

- activating a SIM in a communication device. See column 11 lines 33-53;
- the SIM formulating a communication comprising the location information. See column 11 lines 3-27; and
- the SIM causing the communication to be transmitted to a network. See column 11 lines 36-46.
- the SIM formulating a communication comprising the device information and causing the communication to be transmitted to a network. See column 6 lines 23-37.

Response to Arguments

Applicant's arguments filed 9/7/2005 have been fully considered but they are not persuasive.

Regarding ***claims 1-20***, the Applicant asserts that the cited prior art fails to clearly disclose wherein messages are not formulated and then sent via the network. The Examiner respectfully disagrees. With regard to column 11 lines 50-53, Vuoristo et al. teaches of a message being sent to the network regarding a profile change. Thus, satisfying the claimed language.

Claims 1-20 stand rejected based on the above statements and the above Office Action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
December 12, 2005

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600